

REMARKS-General

1. The newly drafted independent claim 34 incorporates all structural limitations of the original claim 1 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 34-37 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

Response to Rejection of Claims 25-27 and 31-33 under 35USC103

2. The Examiner rejected claims 25-27 and 31-33 under 35USC103(a) as being unpatentable over Figures 6 and 7 of Jon (US 6,468,070) in view of Figures 5 and 6 of Jon (US 6,468,070), Nobuo (US 5,409,372) or Satio (US 6,093,017).

3. The applicant has respectfully submitted the Amendment B on 12/22/2004 to amend the claims 25-27 and 31-33 by adding structural limitations therein and to particularly point out the subject matters of the instant invention. However, the examiner simply copies the entire statement from the previous Office Action on 09/22/2004 to this present Office Action without examining the structural limitations added in the Amendment B. Examiner is requested to reconsider the patentable subject matters added in this Amendment C.

4. Accordingly, Figures 6 and 7 of Jon fail to suggest the instant invention including the following substantial features in the newly drafted claim 34.

(I) The gas actuating arm is an elongated arm integrally extended from the bottom side of the pusher button towards the actuating end of the gas lever at a position that a bottom end of the gas actuating arm is coupled with the actuating end of the gas lever. The gas actuating arm in Fig. 7 of Jon stated by the examiner is part of the actuating trigger 33, wherein the inclined wall of the actuating trigger 33 contacts with an inclined end of the gas lever.

(II) The gas actuating arm has a driving shoulder protruding therefrom at a position between the bottom end of the gas actuating arm and the bottom side of the pusher button. The gas actuating arm in Fig. 7 of Jon merely shows the inclined wall without any driving shoulder protruding therefrom. The Examiner mis-defines the

inclined wall of the actuating trigger of Jon as the driving shoulder of the instant invention in the rejection reason.

(III) When the pusher button is depressed, the gas actuating arm slides at the actuating end of the gas lever until the driving shoulder of the gas actuating arm substantially biases against the actuating end of the gas lever to depress the actuating end of the gas lever so as to pivotally lift up the pivot end thereof for releasing the liquefied fuel so as to ignite the liquefied fuel at the ignition tip. Since Jon does not have any driving shoulder protruding from the gas actuating arm, the inclined end of the gas lever slides on the inclined wall of the actuating trigger 33 for releasing gas. It is worth mention that the driving shoulder is one of the patentable subject matters of the instant invention to depress the actuating end of the gas lever since ONLY the sliding movement of the actuating end of the gas lever along the gas actuating arm cannot ensure the pivot movement of the gas lever for releasing gas. Or, the inclined wall of the actuating trigger 33 as shown in Jon must be steep enough to pivotally lift up the gas nozzle. However, the gas actuating arm is an elongated arm that the slanted surface is only formed at the bottom end thereof. Therefore, no driving shoulder is shown in Jon's lighter.

(IV) The stop post is an elongated member integrally and downwardly extended from the bottom side of the pusher button at a position parallel to the gas actuating arm. The examiner states that the bottom side of the actuating trigger 33 in Fig. 7 of Jon is the stop post. It is not fair and not responsible to reject the instant invention by altering the terms and description of the cited art with the terminologies in the instant invention to make the cited art more related to the subject matters as claimed in the instant invention.

(V) The switching member is slid on the sidewall of the lighter housing along the safety slot to drive the stopper between a locked position and an unlocked position that the stopper is moved aside from the stop post that allows the pusher button to be depressed. Fig. 7 of Jon merely teaches the on/off switch 32 positioned at the bottom side of the actuating trigger 33 and, in column 1, lines 36-38, the actuating trigger 33 is blocked from moving the required distance for a spark to be generated. Throughout the description and claims, Jon never mentions how to move the on/off switch 32 to remove the impediment from the actuating trigger's operating path. Is the on/off switch 32 move

aside from the bottom side of the actuating trigger 33 for allowing the actuating trigger 33 to press on the piezoelectric unit? Moreover, a mere description of the on/off switch 32 in Jon does not show the structural relationship between the stop post and the pusher button as claimed in the instant invention.

(VI) The **resilient element** is supported in the internal cavity of the lighter housing for urging a pushing force to the locking member to normally retain the locking member at the locked position. The resilient element pushes the switching member back to the locked position for re-locking the utility lighter after the ignition of the utility lighter is completed. No resilient element is shown in Fig. 7 of Jon. In column 1, lines 49-53, Jon teaches once the on/off switch 32 is disabled, the lighter remains in the unlocked state until the on/off switch 32 is again. The instant invention intentionally solves the above problem that after the ignition operation is completed, the safety arrangement re-locks pusher button.

(VII) The resilient element is a **coil spring** provided between the locking member and an inner wall of the internal cavity, wherein the resilient element has two end portions biasing against the stopper of the locking member and the inner wall of the internal cavity to urge and retain the stopper to align with the stop post to block up the pusher button from being slid towards the piezoelectric unit. The examiner alleges Figs. 5 and 6 of Jon discloses the cam lever 80 is a flexible member adapted to be bent for allowing the trigger 100 to be depressed. The return spring 90 pushes the cam lever 80 back to the position that the cam-lever edge 81 biasing against the trigger tab 103. It is apparent that Jon fails to teach the same recitation and limitation in the claim 34 of the instant invention of using the coil spring biasing against the stopper and the inner wall of the internal cavity to urge and retain the stopper to align with the stop post. On the other hand, Nobuo merely teaches a conventional gas lighter (not the utility lighter) comprising a leaf spring 41 positioned between the bottom surface of the depressed portion 21 of the actuating lever 2 and the protrusion 44 on the lock member 4. Since both the actuating lever 2 and the locker member 4 are movable, a recess 23 is formed on the bottom surface of the actuating lever 2 to receive the leaf spring 41. However, the leaf spring 41 of Nobuo cannot be used in the utility lighter of the instant invention because the coil spring of the instant invention biases against the fixed inner wall of the internal cavity and the movable stopper. Furthermore, Satio merely teaches a lighter

comprising an urging means 631 in the form of a torsion spring biasing against a semi-circular locking member 630 which is rotatably mounted on the casing wherein the locking member 630 must be rotated forward to unlock the lighter. Therefore, the urging means 631 of Satio cannot be used in the utility lighter of the instant invention as well because the coil spring of the instant invention provides a pushing force to slide (but not rotate) the stopper back to its locked position. Accordingly, most lighters incorporate with some kinds of spring to generate an urging force against the actuating trigger to return the actuating trigger back to the locking position such that the examiner alleges that it would have been obvious to a person having ordinary skill in the art to position a coil spring resilient element in the internal cavity of the utility lighter. The instant invention provides a utility lighter incorporating with the coil spring to urge a pushing force to the locking member because the coil spring generates better pushing force, requires less installation space, and allows longer sliding distance of the locking member in comparison with other springs such as compression spring. Also, the instant invention takes advantage of the structure of the utility lighter having the fixed inner wall as a base wall while no other utility lighter or gas lighter (including Jon's lighter, Nobuo's lighter, and Satio's lighter) uses the inner wall of the lighter as the base wall for the coil spring biasing thereto. In other words, no cited art is found to position the coil spring resilient element in the utility lighter to bias against the inner wall and the locking member.

5. "To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited art references for combination in the manner claimed... [T]he suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness..." *In re Gorman*, 933 F.2d 982, 986, 18 USPQ 2d 1885, 1888 (Fed. Cir. 1991).

6. "To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor

taught is used against its teacher." *W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983).

7. The Office Action fails to provide a reasoned analysis on why one of ordinary skilled in the art would have modified embodiments in the detailed description of the preferred embodiment of the utility lighter incorporating with the coil spring resilient element having an end portion biasing against the locking member while another end portion biasing against the inner wall of the utility lighter.

8. Regarding to newly drafted claim 35, a holding unit which has a retaining groove formed on the stopper and comprises a coil holder integrally extended from the sidewall of said internal cavity, wherein the respective end portion of the resilient element is fittingly engaged with the retaining groove to slidably engage with the locking member while a coil body of the resilient element is securely mounted to the coil holder to secure the two end portions of said resilient element to bias against the locking member and the inner wall of the internal cavity respectively. As mentioned above, the instant invention takes advantage of using the coil spring and the inner wall of the lighter, the locking member should be modified to incorporate with the coil spring in which the retaining groove is formed on the locking member to hold the respective end portion of the coil spring in position such that the coil spring is adapted to slidably push the locking member back to the locked position. Accordingly, Satio merely teaches a pair of spring retainer projections 630e in Fig. 28 are formed on the outer surface of one of the semi-circular side plates 630a to hold the torsion spring 631 in position without any mention of any retaining groove on the locking member to hold the end portion of the coil spring in position.

9. Regarding to claims 36 to 37, the gas lever has a slanted engaging surface formed on the actuating end and the gas actuating arm has a corresponding slanted driving surface formed at the bottom end to slidably engage with the slanted engaging surface of the gas lever so as to substantially guide the gas actuating arm to slide along the slanted engaging surface of the gas lever until the driving shoulder of the gas actuating arm is engaged with the actuating end of the gas lever. Figs. 6 and 7 of Jon never shows any driving shoulder as mentioned above but merely illustrates , the inclined end of the gas lever slides on the inclined wall of the actuating trigger 33 for releasing gas. Even in Figs. 5 and 6 of Jon, the cam lever 80 taught by Jon is used to

block the movement of the trigger 100 at the stopper tab 110 thereof. The applicant respectfully submits that the slanted engaging surface of the gas lever and the corresponding slanted driving surface of the gas actuating arm are arranged in such a manner that the gas actuating arm is guided to slide on the gas lever UNTIL the driving shoulder of the gas actuating arm is engaged with the actuating end of the gas lever for releasing gas. Therefore, the two slanted surfaces of the gas lever and the gas actuating arm are not used to pivotally lift up the gas nozzle for releasing gas.

10. Applicant believes that neither Jon, Nobuo nor Saito, separately or in combination, suggest or make any mention whatsoever of having the above structural features as recited in claims 34-37.

11. Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

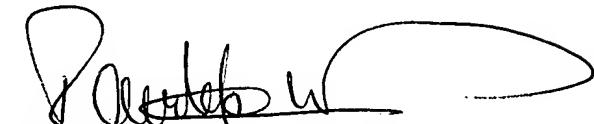
The Cited but Non-Applied References

12. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

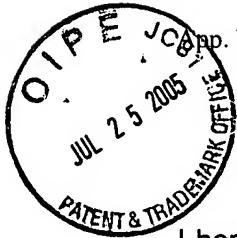
13. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 34-37 at an early date is solicited.

14. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Raymond Y. Chan
Reg. Nr.: 37,484
108 N. Ynez Ave.
Suite 128
Monterey Park, CA 91754
Tel.: 1-626-571-9812
Fax.: 1-626-571-9813



App. Nr.: 10/672,667

Amendment C (contd)

11

CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: July 20, 2005

Signature: 
Person Signing: Raymond Y. Chan